

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Upper Illinois River Valley Development
5 Authority Act is amended by changing Sections 4 and 7 as
6 follows:

7 (70 ILCS 530/4) (from Ch. 85, par. 7154)

8 Sec. 4. Establishment.

9 (a) There is hereby created a political subdivision, body
10 politic and municipal corporation named the Upper Illinois
11 River Valley Development Authority. The territorial
12 jurisdiction of the Authority is that geographic area within
13 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,
14 Kane, Lake, McHenry, and Marshall counties in the State of
15 Illinois and any navigable waters and air space located
16 therein.

17 (b) The governing and administrative powers of the
18 Authority shall be vested in a body consisting of 21 ~~20~~ members
19 including, as ex officio members, the Director of Commerce and
20 Economic Opportunity, or his or her designee, and the Director
21 of the Department of Central Management Services, or his or her
22 designee. The other 19 ~~18~~ members of the Authority shall be
23 designated "public members", 10 of whom shall be appointed by

1 the Governor with the advice and consent of the Senate and 9 &
2 of whom shall be appointed one each by the county board
3 chairmen of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane,
4 Lake, McHenry, and Marshall counties. All public members shall
5 reside within the territorial jurisdiction of this Act. Eleven
6 members shall constitute a quorum. The public members shall be
7 persons of recognized ability and experience in one or more of
8 the following areas: economic development, finance, banking,
9 industrial development, small business management, real estate
10 development, community development, venture finance, organized
11 labor or civic, community or neighborhood organization. The
12 Chairman of the Authority shall be elected by the Board
13 annually from the 9 & members appointed by the county board
14 chairmen.

15 (c) The terms of all initial members of the Authority shall
16 begin 30 days after the effective date of this Act. Of the 14
17 public members appointed pursuant to this Act, 4 appointed by
18 the Governor shall serve until the third Monday in January,
19 1992, 4 appointed by the Governor shall serve until the third
20 Monday in January, 1993, one appointed by the Governor shall
21 serve until the third Monday in January, 1994, one appointed by
22 the Governor shall serve until the third Monday in January
23 1999, the member appointed by the county board chairman of
24 LaSalle County shall serve until the third Monday in January,
25 1992, the members appointed by the county board chairmen of
26 Grundy County, Bureau County, Putnam County, and Marshall

1 County shall serve until the third Monday in January, 1994, and
2 the member appointed by the county board chairman of Kendall
3 County shall serve until the third Monday in January, 1999. The
4 initial members appointed by the chairmen of the county boards
5 of Kane and McHenry counties shall serve until the third Monday
6 in January, 2003. The initial members appointed by the chairman
7 of the county board of Lake County shall serve until the third
8 Monday in January, 2018. All successors shall be appointed by
9 the original appointing authority and hold office for a term of
10 3 years commencing the third Monday in January of the year in
11 which their term commences, except in case of an appointment to
12 fill a vacancy. Vacancies occurring among the public members
13 shall be filled for the remainder of the term. In case of
14 vacancy in a Governor-appointed membership when the Senate is
15 not in session, the Governor may make a temporary appointment
16 until the next meeting of the Senate when a person shall be
17 nominated to fill such office, and any person so nominated who
18 is confirmed by the Senate shall hold office during the
19 remainder of the term and until a successor shall be appointed
20 and qualified. Members of the Authority shall not be entitled
21 to compensation for their services as members but shall be
22 entitled to reimbursement for all necessary expenses incurred
23 in connection with the performance of their duties as members.

24 (d) The Governor may remove any public member of the
25 Authority in case of incompetency, neglect of duty, or
26 malfeasance in office.

1 (e) The Board shall appoint an Executive Director who shall
2 have a background in finance, including familiarity with the
3 legal and procedural requirements of issuing bonds, real estate
4 or economic development and administration. The Executive
5 Director shall hold office at the discretion of the Board. The
6 Executive Director shall be the chief administrative and
7 operational officer of the Authority, shall direct and
8 supervise its administrative affairs and general management,
9 shall perform such other duties as may be prescribed from time
10 to time by the members and shall receive compensation fixed by
11 the Authority. The Executive Director shall attend all meetings
12 of the Authority; however, no action of the Authority shall be
13 invalid on account of the absence of the Executive Director
14 from a meeting. The Authority may engage the services of such
15 other agents and employees, including attorneys, appraisers,
16 engineers, accountants, credit analysts and other consultants,
17 as it may deem advisable and may prescribe their duties and fix
18 their compensation.

19 (f) The Board may, by majority vote, nominate up to 4
20 non-voting members for appointment by the Governor. Non-voting
21 members shall be persons of recognized ability and experience
22 in one or more of the following areas: economic development,
23 finance, banking, industrial development, small business
24 management, real estate development, community development,
25 venture finance, organized labor or civic, community or
26 neighborhood organization. Non-voting members shall serve at

1 the pleasure of the Board. All non-voting members may attend
2 meetings of the Board and shall be reimbursed as provided in
3 subsection (c).

4 (g) The Board shall create a task force to study and make
5 recommendations to the Board on the economic development of the
6 territory within the jurisdiction of this Act. The members of
7 the task force shall reside within the territorial jurisdiction
8 of this Act, shall serve at the pleasure of the Board and shall
9 be persons of recognized ability and experience in one or more
10 of the following areas: economic development, finance,
11 banking, industrial development, small business management,
12 real estate development, community development, venture
13 finance, organized labor or civic, community or neighborhood
14 organization. The number of members constituting the task force
15 shall be set by the Board and may vary from time to time. The
16 Board may set a specific date by which the task force is to
17 submit its final report and recommendations to the Board.

18 (Source: P.A. 94-793, eff. 5-19-06.)

19 (70 ILCS 530/7) (from Ch. 85, par. 7157)

20 Sec. 7. Bonds.

21 (a) The Authority, with the written approval of the
22 Governor, shall have the continuing power to issue bonds,
23 notes, or other evidences of indebtedness in an aggregate
24 amount outstanding not to exceed \$500,000,000 for the purpose
25 of developing, constructing, acquiring or improving projects,

1 including those established by business entities locating or
2 expanding property within the territorial jurisdiction of the
3 Authority, for entering into venture capital agreements with
4 businesses locating or expanding within the territorial
5 jurisdiction of the Authority, for acquiring and improving any
6 property necessary and useful in connection therewith and for
7 the purposes of the Employee Ownership Assistance Act. For the
8 purpose of evidencing the obligations of the Authority to repay
9 any money borrowed, the Authority may, pursuant to resolution,
10 from time to time issue and dispose of its interest bearing
11 revenue bonds, notes or other evidences of indebtedness and may
12 also from time to time issue and dispose of such bonds, notes
13 or other evidences of indebtedness to refund, at maturity, at a
14 redemption date or in advance of either, any bonds, notes or
15 other evidences of indebtedness pursuant to redemption
16 provisions or at any time before maturity. All such bonds,
17 notes or other evidences of indebtedness shall be payable
18 solely and only from the revenues or income to be derived from
19 loans made with respect to projects, from the leasing or sale
20 of the projects or from any other funds available to the
21 Authority for such purposes. The bonds, notes or other
22 evidences of indebtedness may bear such date or dates, may
23 mature at such time or times not exceeding 40 years from their
24 respective dates, may bear interest at such rate or rates not
25 exceeding the maximum rate permitted by "An Act to authorize
26 public corporations to issue bonds, other evidences of

1 indebtedness and tax anticipation warrants subject to interest
2 rate limitations set forth therein", approved May 26, 1970, as
3 amended, may be in such form, may carry such registration
4 privileges, may be executed in such manner, may be payable at
5 such place or places, may be made subject to redemption in such
6 manner and upon such terms, with or without premium as is
7 stated on the face thereof, may be authenticated in such manner
8 and may contain such terms and covenants as may be provided by
9 an applicable resolution.

10 (b-1) The holder or holders of any bonds, notes or other
11 evidences of indebtedness issued by the Authority may bring
12 suits at law or proceedings in equity to compel the performance
13 and observance by any corporation or person or by the Authority
14 or any of its agents or employees of any contract or covenant
15 made with the holders of such bonds, notes or other evidences
16 of indebtedness, to compel such corporation, person, the
17 Authority and any of its agents or employees to perform any
18 duties required to be performed for the benefit of the holders
19 of any such bonds, notes or other evidences of indebtedness by
20 the provision of the resolution authorizing their issuance and
21 to enjoin such corporation, person, the Authority and any of
22 its agents or employees from taking any action in conflict with
23 any such contract or covenant.

24 (b-2) If the Authority fails to pay the principal of or
25 interest on any of the bonds or premium, if any, as the same
26 become due, a civil action to compel payment may be instituted

1 in the appropriate circuit court by the holder or holders of
2 the bonds on which such default of payment exists or by an
3 indenture trustee acting on behalf of such holders. Delivery of
4 a summons and a copy of the complaint to the Chairman of the
5 Board shall constitute sufficient service to give the circuit
6 court jurisdiction of the subject matter of such a suit and
7 jurisdiction over the Authority and its officers named as
8 defendants for the purpose of compelling such payment. Any
9 case, controversy or cause of action concerning the validity of
10 this Act relates to the revenue of the State of Illinois.

11 (c) Notwithstanding the form and tenor of any such bonds,
12 notes or other evidences of indebtedness and in the absence of
13 any express recital on the face thereof that it is
14 non-negotiable, all such bonds, notes and other evidences of
15 indebtedness shall be negotiable instruments. Pending the
16 preparation and execution of any such bonds, notes or other
17 evidences of indebtedness, temporary bonds, notes or evidences
18 of indebtedness may be issued as provided by ordinance.

19 (d) To secure the payment of any or all of such bonds,
20 notes or other evidences of indebtedness, the revenues to be
21 received by the Authority from a lease agreement or loan
22 agreement shall be pledged, and, for the purpose of setting
23 forth the covenants and undertakings of the Authority in
24 connection with the issuance thereof and the issuance of any
25 additional bonds, notes or other evidences of indebtedness
26 payable from such revenues, income or other funds to be derived

1 from projects, the Authority may execute and deliver a mortgage
2 or trust agreement. A remedy for any breach or default of the
3 terms of any such mortgage or trust agreement by the Authority
4 may be by mandamus proceedings in the appropriate circuit court
5 to compel the performance and compliance therewith, but the
6 trust agreement may prescribe by whom or on whose behalf such
7 action may be instituted.

8 (e) Such bonds or notes shall be secured as provided in the
9 authorizing ordinance which may, notwithstanding any other
10 provision of this Act, include in addition to any other
11 security a specific pledge or assignment of and lien on or
12 security interest in any or all revenues or money of the
13 Authority from whatever source which may by law be used for
14 debt service purposes and a specific pledge or assignment of
15 and lien on or security interest in any funds or accounts
16 established or provided for by ordinance of the Authority
17 authorizing the issuance of such bonds or notes.

18 (f) (Blank). ~~In the event that the Authority determines~~
19 ~~that monies of the Authority will not be sufficient for the~~
20 ~~payment of the principal of and interest on its bonds during~~
21 ~~the next State fiscal year, the Chairman, as soon as~~
22 ~~practicable, shall certify to the Governor the amount required~~
23 ~~by the Authority to enable it to pay such principal of and~~
24 ~~interest on the bonds. The Governor shall submit the amount so~~
25 ~~certified to the General Assembly as soon as practicable, but~~
26 ~~no later than the end of the current State fiscal year. This~~

1 ~~Section shall not apply to any bonds or notes as to which the~~
2 ~~Authority shall have determined, in the resolution authorizing~~
3 ~~the issuance of the bonds or notes, that this Section shall not~~
4 ~~apply. Whenever the Authority makes such a determination, that~~
5 ~~fact shall be plainly stated on the face of the bonds or notes~~
6 ~~and that fact shall also be reported to the Governor.~~

7 ~~In the event of a withdrawal of moneys from a reserve fund~~
8 ~~established with respect to any issue or issues of bonds of the~~
9 ~~Authority to pay principal or interest on those bonds, the~~
10 ~~Chairman of the Authority, as soon as practicable, shall~~
11 ~~certify to the Governor the amount required to restore the~~
12 ~~reserve fund to the level required in the resolution or~~
13 ~~indenture securing those bonds. The Governor shall submit the~~
14 ~~amount so certified to the General Assembly as soon as~~
15 ~~practicable, but no later than the end of the current State~~
16 ~~fiscal year. This subsection (f) shall not apply to any bond~~
17 ~~issued on or after the effective date of this amendatory Act of~~
18 ~~the 97th General Assembly.~~

19 (g) The State of Illinois pledges to and agrees with the
20 holders of the bonds and notes of the Authority issued pursuant
21 to this Section that the State will not limit or alter the
22 rights and powers vested in the Authority by this Act so as to
23 impair the terms of any contract made by the Authority with
24 such holders or in any way impair the rights and remedies of
25 such holders until such bonds and notes, together with interest
26 thereon, with interest on any unpaid installments of interest,

1 and all costs and expenses in connection with any action or
2 proceedings by or on behalf of such holders, are fully met and
3 discharged. In addition, the State pledges to and agrees with
4 the holders of the bonds and notes of the Authority issued
5 pursuant to this Section that the State will not limit or alter
6 the basis on which State funds are to be paid to the Authority
7 as provided in this Act, or the use of such funds, so as to
8 impair the terms of any such contract. The Authority is
9 authorized to include these pledges and agreements of the State
10 in any contract with the holders of bonds or notes issued
11 pursuant to this Section.

12 (h) (Blank).

13 (Source: P.A. 97-312, eff. 8-11-11; 98-750, eff. 1-1-15.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.